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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,103	07/15/2003	Samir Saad	VIL01 P-101	8603
28101	7590	10/17/2005	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP			PAIK, STEVE S	
2851 CHARLEVOIX DRIVE, S.E.			ART UNIT	
P.O. BOX 888695			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/620,103	Applicant(s) SAAD, SAMIR	
	Examiner Steven S. Paik	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 and 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17 and 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

- 1) Receipt is acknowledged of the Amendment filed February 03, 2003.

Claim Objections

- 2) Claim 16 is objected to because of the following informalities: claim 16 depends on a cancelled claim 15. Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5) Claims 1-14, 16, 17 and 19-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fertig (US 6,050,493) in view of Fite et al. (US 6,467,684 B2).

Re claims 1, 2, 5, 6, 14 and 16, Fertig discloses a prepaid-flower or gift card and a method of using the card. The method comprises distributing a product card (11) including product and card information (Fig. 1 and 2; col. 2, ll. 33-40), collecting revenue from a purchaser of the card (col. 2, ll. 57-62) activating the card when the card is purchased (col. 2, line 23) so that the card can be redeemed, receiving the product and card information and delivery information from the redeemer of the card (col. 3, ll. 3-10), and delivering a product associated

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with the product information to a location associated with the delivery information (name and address information pertaining to where the gift item is to be sent).

However, Fertig does not specifically disclose a computer system storing the product card information and receiving input information from a gift cardholder.

Fite et al. disclose a pre-paid card system for purchasing products or services over an electronic or computer network, such as the Internet. A host computer includes a database for storing the pre-paid card information (col. 1, ll. 27-67) and a means for reading the identity number of a card from the memory on the card. The system further includes a card vendor terminal to manage a card activation process via a card reader. The host computer performs functions such as reference/transaction number management, cash card identification number inventory and control. These functions provide a user more control and selections regarding a pre-paid card usage. A merchant may also benefit from above automated system by saving time and cost in managing the pre-paid card transactions while increasing a chance to increase revenue.

In view of Fite et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a host computer system in addition to the pre-paid flower or gift card system of Fertig due to the fact that more automated pre-paid card transactions can be processed and accurately managed for the purposes of increasing processing time and enhancing a positive customer experience using the pre-paid card service.

Re claim 3, Fertig in view of Fite et al. discloses the method as recited in rejected claim 1 stated above, wherein said activating includes storing an active status code in said computer system with the card identification code (col. 1, ll. 26-67 of Fite et al.).

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Re claim 4, Fertig in view of Fite et al. discloses the method as recited in rejected claim 2 stated above, further comprising determining the activation status code of the card based on the product and card information (col. 1, ll. 27-67); and

if the card is activated then inputting the delivery information into the computer system (col. 4, line 62-col. 5, line 8).

Re claim 7, Fertig in view of Fite et al. discloses the method as recited in rejected claim 6 stated above, wherein said providing the product card with a description of the product includes providing the card with an illustration of the product (Fig. 1).

Re claim 8, Fertig in view of Fite et al. discloses the method as recited in rejected claim 1 stated above, wherein said providing a product card including encoding the card with a card identification code associated with said product and card information (Fig. 2 and col. 2, ll. 28-33).

Re claims 9-11, Fertig in view of Fite et al. discloses the method as recited in rejected claims 1 and 8 stated above, wherein said encoding includes encoding the card with a retail store code (41) associated with a retail location (store inventory and/or tracking vendor sales) where the product card is distributed (Fig. 2 and col. 2, ll. 28-33), wherein said providing a product card includes providing a product card encoded with a dollar amount (21) associated with the product card (col. 2, ll. 28-67).

Re claim 12, Fertig in view of Fite et al. discloses the method as recited in rejected claim 1 stated above, further comprising displaying said product card at a display location (open showroom) in the retail location.

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Re claim 13, Fertig in view of Fite et al. discloses the method as recited in rejected claim 12 stated above, further comprising locating the display location remote from a cashier or the retail location (stock area for customer self-selection or vendor terminals of Fite).

Re claim 17, Fertig in view of Fite et al. discloses the method as recited in rejected claim 14 stated above, wherein said inputting includes confirming includes determining whether the card identification is stored in said computer system to determine whether the card is valid (col. 1, ll. 27-67 of Fite).

Re claim 19, Fertig in view of Fite et al. discloses the method as recited in rejected claim 14 stated above, wherein said displaying includes displaying said product card at a display location (open showroom) in the retail establishment, and locating the display location remote from a cashier of the retail establishment (stock area for customer self-selection or vendor terminals of Fite).

Re claim 20, Fertig in view of Fite et al. discloses the method as recited in rejected claim 14 stated above, wherein said providing a product card includes providing a product card with ordering information (Fig. 2; col. 2, line 7- col. 3, line 42).

Re claim 21, Fertig in view of Fite et al. discloses the method as recited in rejected claim 20 stated above, wherein said providing a product card with ordering information includes providing a product card with an Internet address to a website where the card can be redeemed online (col. 1, ll. 5-67 of Fite).

Re claims 22 and 23, it is well known that a retailer establishment pays or collects a certain amount of fees or service charges in exchange of products, spaces, or delivery services it offers to others. Therefore, it would have been obvious at the time the invention was made to an

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artisan of ordinary skill in the art to incorporate imposing a nominal amount of fees or services charges based on total revenue.

Re claim 24, Fertig in view of Fite et al. discloses the method as recited in rejected claim 14 stated above, further comprising providing a contact (Fig. 2) for the purchaser, the contact receiving the product identification code, said card identification code, and the delivery information and inputting the delivery information into the computer system (col. 3, ll. 3-20).

Re claims 25-28, Fertig discloses a prepaid-flower or gift card system. The system comprises a product card (11) said product card associated with a product (Fig. 1 and 2; col. 2, ll. 33-40), a card processor (point-of-sale system), said card being read by said card processor when the card is purchased, said card processor in communication with a computer system (point-of-sale system).

However, Fertig does not specifically disclose a computer system storing the product card information and receiving input information from a gift cardholder.

Fite et al. disclose a pre-paid card system for purchasing products or services over an electronic or computer network, such as the Internet (the connection is made via a modem; col. 3, ll. 11-19). A host computer includes a database for storing the pre-paid card information (col. 1, ll. 27-67) and a means for reading the identity number of a card from the memory on the card. The system further includes a card vendor terminal to manage a card activation process via a card reader. The host computer performs functions such as reference/transaction number management, cash card identification number inventory and control. These functions provide a user more control and selections regarding a pre-paid card usage. A merchant may also benefit

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from above automated system by saving time and cost in managing the pre-paid card transactions while increasing a chance to increase revenue.

In view of Fite et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a host computer system in addition to the pre-paid flower or gift card system of Fertig due to the fact that more automated pre-paid card transactions can be processed and accurately managed for the purposes of increasing processing time and enhancing a positive customer experience using the pre-paid card service.

Re claim 29, Fertig in view of Fite et al. discloses the method as recited in rejected claim 25 stated above, wherein said order fulfillment center (32) delivers an order to a mailing service for delivery of said order to the recipient.

Re claim 30, Fertig in view of Fite et al. discloses the method as recited in rejected claim 25 stated above, wherein the card processor comprises a card reader (col. 3, ll. 10-15 of Fite).

Re claim 31, Fertig in view of Fite et al. discloses the method as recited in rejected claim 25 stated above, further comprising a website, said computer system downloading at least some of said data information to said website (col. 3, line 39-col. 4, line 67).

Re claim 32, Fertig in view of Fite et al. discloses the method as recited in rejected claim 31 stated above, wherein said order fulfillment center (32) is in communication with said website (Fig. 6).

Re claim 33, Fertig in view of Fite et al. discloses the method as recited in rejected claim 31 stated above, wherein said website is accessible by the redeemer (col. 4, ll. 38-48).

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Re claim 34, Fertig in view of Fite et al. discloses the method as recited in rejected claim 31 stated above, wherein said website includes said card identification and product identification information and said delivery information (col. 4, ll. 18-35 and Fig. 6).

Re claim 35, Fertig in view of Fite et al. discloses the method as recited in rejected claim 34 stated above, wherein said website further includes tracking information (col. 3, line 39-col. 4, line 67).

Re claim 36, Fertig in view of Fite et al. discloses the method as recited in rejected claim 5 stated above, wherein said distributing includes distributing the product card to a retailer (a card vendor terminal 14), and the retailer validating the product card (col. 3, ll. 38-52).

Re claim 37, Fertig in view of Fite et al. discloses the method as recited in rejected claim 5 stated above, wherein said validating includes communicating the card information (such as 4-digit card code) and the product information to the computer system (col. 3, ll. 10-65).

Response to Arguments

6) Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection. In response to the applicant's remarks, the examiner applied a newly found prior art to claims 1-14, 16, 17, and 19-37. Therefore, claims 1-14, 16, 17, and 19-37 are rejected under 35 U.S.C. § 103 (a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven S. Paik
Primary Examiner
Art Unit 2876

ssp